

### **REMARKS**

This Amendment is in response to the Final Action mailed on June 13, 2008. Reconsideration of this application is respectfully requested.

#### **Claim Amendments Limit Issues And Place Application In Better Condition For Appeal**

Applicants have canceled independent Claim 27 (and its dependent claims 40 and 41) and have amended remaining independent Claims 42 and 60 to place them and their dependent claims in better condition for appeal and to limit the patentability issues for appeal. Independent Claim 42 has been amended to include the limitations of previously examined and now canceled dependent Claims 57 and 59. Independent Claim 60 has been amended to include the limitations of previously examined and now canceled dependent Claim 74. Because the claim amendments merely place limitations from previously examined dependent Claims 57, 59 and 74 into independent Claims 42 and 60, respectively, they do not raise new issues or require additional searching. Further, because the claim amendments eliminate all but one prior art rejection set forth in the Final Action (i.e., obviousness rejection at ¶ 11 on page 7), they substantially reduce the patentability issues for appeal. The amendments are therefore proper and should be entered after final rejection.

#### **Prior Art Rejections**

The claim amendments set forth above render moot all but one prior art rejection set forth in the Final Action. Consequently, Applicants will address only that one remaining prior art rejection in this response.

The Final Action rejected Claims 27, 42, 57-60 and 72-75 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,096,011 to Trombley, III in view of U.S. Patent No. 6,224,568 to Morimoto. This rejection is respectfully traversed.

Applicants submit that the Final Action does not provide a *prima facie* case of obviousness because the rejection does not address the “pressure isolation mechanism” structural limitations – including a lumen, a pressure isolation port, and a valve member comprising a biasing portion biasing the valve member – set forth in (now canceled) dependent Claims 59 and 74 and now presented in independent Claims 42 and 60. In the passage of the rejection

pertaining to Claims 59 and 74 (on page 8 of the Final Action), the Final Action merely directs attention to a drip chamber and to Figs. 6A, 6B and 4 of the Trombley patent. Applicants submit that this reference does not relate to the claimed "pressure isolation mechanism" limitations of dependent claims 59 and 74, but instead refers to a separate "drip chamber" structural limitation set forth in dependent Claim 57.

Further, Applicants submits that neither the Trombley nor Morimoto patents discloses a pressure isolation mechanism, including a lumen, a pressure isolation port and a valve member comprising a biasing portion biasing the valve member, as set forth in independent Claims 59 and 74, and described in the specification and drawings.

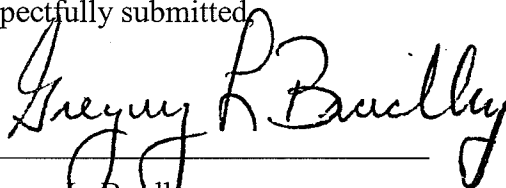
For at least those reasons, Applicants submit that a combination of the Trombley, III and Morimoto patents does not render obvious the inventions of Claims 27, 42, 57-60 and 72-75, and that the rejection based thereon should be withdrawn.

#### Conclusion

In view of the foregoing, Applicants submit that the application and claims are in condition for allowance.

Dated: August 11, 2008

Respectfully submitted,



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